

BALTIMORE COUNTY MARYLAND

Development Guide



A Guidebook for Developers Requesting Development Financing and Assistance

Baltimore County Department of Planning
Division of Neighborhood Improvement
2014

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Baltimore County Department of Planning Development Guide

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Attachment I

Please access the following attachments at:

<http://www.baltimorecountymd.gov/Agencies/budfin/purchasing/minoritybusiness/index.html>

[MBE/WBE Participation Summary,](#)

[Certified MBE/WBE Utilization and Fair Solicitation Affidavit \(Form A\)](#)

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[Outreach Efforts - Compliance Statement \(Form E\) Minority](#)

[Participation Affidavit Form PB040](#)

Please access the following documents at:

Affirmative Action Requirements - <http://www.dol.gov/compliance/laws/comp-eeo.htm>

Davis-Bacon Compliance Guide - <http://www.dol.gov/compliance/guide/dbra.htm>

Attachment II

Please access the following document at:

<http://resources.baltimorecountymd.gov/Documents/Community/cdbg2009/allappfinancialassist.xls> Application for Financial Assistance;

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>

Affirmative Fair Housing Marketing Plan (AFHMP) Multifamily Housing

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_35515.pdf

Affirmative Fair Housing Marketing Plan (AFHMP) Single Family Housing

The following documents are attached: Certification of Non-Discrimination Contract Report

Please access the following document at:

<http://www.gpo.gov/fdsys/pkg/CFR-2004-title24-vol1/xml/CFR-2004-title24-vol1-sec58-22.xml>

Title 24, Part 58 Environmental Review Procedures Limitations on Activities Pending Clearance 24CFR 58.22:

Attachment III

The following documents are attached:

Procurement Standards and Procedures

Attachment IV

Neighborhood Response Team- Sector Planners Map

Attachment V

Relocation Requirements; Section 104 (d) of Housing and Community Development Act

Attachment VI

Lead Based Paint Abatement Requirements

Attachment VII

Please access the following documents at:

<http://www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/greenbuilding.html>

Introduction to Green Building & Green Building Checklist

Baltimore County Department of Planning
Development Guide

PART 1 MISSION - POLICIES AND GUIDELINES

A) MISSION:

The mission of the Baltimore County Development Guide is to ensure the development of housing that is affordable to maintain, produces little or no impact on the environment, and has low toxicity to humans, animals or botanical life. We have adopted national standards and criteria that will guide how affordable housing projects will be built in Baltimore County.

Pursuant to Baltimore County's Fair Housing Action Plan which is contained within the 2011 Analysis of Impediments to Fair Housing Choice in Baltimore County¹, the Baltimore County Department of Planning has incorporated affirmatively furthering fair housing principles, including provisions to expand the locations available to multi-family housing and prioritize the investment of HOME and CDBG funds to projects involving rental housing for families on sites outside of racially/ethnically concentrated areas. The County is committed to affirmatively furthering fair housing and expanding housing choice. In Year Three of the County's Consolidated Plan, the County proposes to increase the availability and the accessibility to workforce and affordable housing for extremely low-to- moderate income persons and households through the endorsement, approval, promotion, financial and other assistance of proposed affordable housing development projects that meet or exceed the needs and expectations as described in Part II Preliminary Proposal,

This Development Guide is established, to provide housing developers desiring to develop affordable housing within Baltimore County communities with the information they would need to correctly apply for Baltimore County supplemental funding for the development of new construction and/or rehabilitation of affordable housing in accordance with the County's requirements.

Baltimore County has undertaken an aggressive program to address the various social and environmental challenges faced by its neighborhoods. The County will continue to refine its analysis of the social forces and physical conditions that affect the accessibility, affordability, visitability and environmental sustainability of its communities and provide where possible, affordable, healthier, accommodating and more efficient housing. Toward that end, sustainable design principles are included in its funding programs.

In accordance with federal requirements for local jurisdictions receiving funds from the United States Department of Housing and Urban Development (HUD) for housing and community development programs, Baltimore County, through its Housing Opportunities Program, will use local and state resources as well as funds from the Community Development Block Grant Program (CDBG), the HOME Investment Partnerships Program (HOME), and the Emergency Shelter Grant Program (ESG), to focus on community- based strategies and solutions which address the revitalization and sustainability of its neighborhoods as well as the need to increase the availability of affordable and workforce housing for extremely low to moderate income households. Further, for the purpose of distinguishing workforce and affordable housing;
²HUD's definition of affordable housing is for a household to pay no more than 30 percent of its annual income on housing. Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. In Baltimore County, workforce housing is housing designed to provide affordable housing to county households earning up to 60% of the county's area median for rental housing and up to 80% of the county's area median for homeownership.

¹ www.baltimorecountymd.gov/Agencies/neighborhoodimprovement

² HUD.GOV

The Baltimore County Department of Planning (BCDOP) also promotes energy and resource efficiency and environmentally friendly building techniques through its Green Building Program. The program's holistic sustainable design principles have been incorporated into this Development Guide and can be accessed via: <http://www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/>

The Baltimore County Department of Planning (BCDOP) provides only gap financing to assist developers. Developers are strongly advised **to pursue all funding sources available and not view Baltimore County as a primary or sole source of project financing.** Funding gaps may be filled with a variety of sources, including grants, loans and bonds. Each source requires a repayment schedule that will be mutually agreed upon by the developer and BCDOP.

The Department of Planning will make every effort to assist those development teams that require direction and guidance as it pertains to local, State, and Federal regulations. Each development proposal should incorporate any HUD and/or State requirements. (**Attachment 1**)

For instance, if the project is in excess of \$2,000, The Davis-Bacon Act requires the payment of prevailing wage rates (which are determined by the U.S. Department of Labor) to all laborers and mechanics. Projects should target accessibility in at least 10% of the units. This could include modifications to address a range of physical disabilities. Each development project should assume the strictest approach and allow BCDOP to inform you later of any changes to your advantage.

B) POLICIES AND GUIDELINES:

(1) The resources of the BCDOP are limited. In order to ensure the best use of these limited funds, developers should ensure that their request for the County's contribution to any project does not exceed HUD Guidelines, which may be adjusted from time to time. ***In no instance will the County fund 100% of the project cost.***

PLEASE NOTE: *No Application Should Be Submitted Before Receiving Preliminary Commitment.*

County properties and land donated to projects will be valued based on comparable and/or appraisal documentation. Said value will be considered a part of the County's total contribution. In addition, rental subsidies and lien abatements shall also be included in the County's contribution.

PLEASE NOTE: PAYMENT IN LIEU OF TAXES (PILOT)

Baltimore County Department of Planning will also consider requests for PILOT. All PILOT requests must be accompanied by the most recent property bill

Developers/owners are strongly encouraged to contribute to the total sources needed for a project in the form of equity. This investment will remain in the project until completion.

The County strongly supports and advocates for minority business participation.

While the County requires a minimum of 15% minority and 2% women participation, proposals exceeding these amounts will be viewed favorably.

(2) The following is a list of "**recommended**" guidelines for specific line items generally included in the development budget.

ACTIVITY	DESCRIPTION	NOT TO EXCEED*
CONSTRUCTION	Builder's Profit Margin & Overhead	10% of construction hard cost
ARCHITECTURE & ENGINEERING	Design & Supervision Architecture & Engineering Fees	6% of total construction 6% inversely proportionate
OTHER	Development Consultant Fee Project Contingency Project Developer's Fee	5% of total costs (excluding acquisition costs) 10% of total costs (excluding acquisition costs) 10% inversely proportionate development costs (Excluding acquisition costs)

***Costs exceeding the recommended guidelines must be justified and documented in the application**

Developer's fees will be distributed over the life of the construction phase, less a 10% retainage. Developers will not be required to pay any points (percentage of loan/grant amount) at closing.

Developers will be held accountable for all research, timetables, and projections presented to BCDOP to support the viability of their projects.

Except where out of the control of the developer, any misjudgments will be the responsibility of the developer. Once the project's contingency is exhausted, the developer's retainage will be available to cure any outstanding issues before seeking additional County funds.

At the completion of each homeownership project or when 75% of the sales are complete, retainage accounts will be settled.

At the completion of each rental project when certificates of occupancy are secured for all rental units or 50% of all units are leased, retainer accounts will be settled.

Retainage payments will be disbursed for those projects that do not have any outstanding issues or documentation requirements.

(3) The Department of Planning's new **Green Building Program** (<http://www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/greenbuilding.html>) has partnered with several state and national programs to provide green building standards and criteria. These standards and criteria were designed to address the three major types of housing construction:

Renovation: a **Green Building Checklist** (<http://www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/contractor.html>) has been developed for minor renovations. More extensive projects will require a home energy audit and certification by a **Home Performance Analyst** (see information below on Maryland Home Performance with Energy Star).

Gut-rehab: The initial consideration for these projects is to ensure energy efficiency. The base requirement for all gut-rehab projects will be to achieve an Energy Star Certification

New Construction: Energy efficiency should be the starting point for all new construction projects and the OCC Green Building Program requires that all new construction (single and multi-family housing) would earn the Energy Star Certification. The majority of new construction projects should go beyond just energy efficiency. Given the flexibility of design with new construction, the ability to achieve a required level of green should not be difficult. The requirement for single and multi-family housing projects is to use the appropriate US Green Building Council's LEED guidelines and achieve no less than a Silver rating. Alternatively, multi-unit projects may want to participate in the Green Communities program and utilize their criteria.

It is the developer's responsibility to meet the requirements of the appropriate program and secure the required certification. Funding provided by the BCDOP is conditioned on successfully achieving the related program's requirements and proof of certification.

Green Building Program Reference Information:

Maryland Home Performance with Energy Star – www.mdhomeperformance.org
Energy Star Certification – www.energystar.gov; US Green Building Council – www.usgbc.org
Green Communities Program – www.greencommunitiesonline.com
Homebuilders Guide PATH -<http://www.huduser.org/Publications/PDF/buildergd.pdf>

PART II

PRELIMINARY PROPOSAL:

A.) SUBMISSION REQUIREMENTS

The original proposal, **including all required items**, application fee in the amount of \$500.00 and five (5) copies must be submitted. Incomplete packages will not be considered for review and will be returned. The various BCDOP Housing Opportunities Programs and other agencies involved in the overall funding for projects may require specific forms. However, for BCDOP's purposes the preliminary submissions should include, but not necessarily be limited to, the following:

Application for Financial Assistance - Attachment II

Developer's Statement - A brief description of the proposed development, its merits, and what the developer is requesting from the County as well as the reason for the request. Please include the following information:

- Describe the specific location of the proposed development/s to be assisted under County/ State/ HUD funded programs, and for each location (if applicable), identify the proposed action for such housing (e.g., new construction, acquisition, rehabilitation, demolition, disposition, replacement housing, single family, multi-family).
- Specify if the above identified development project/s and associated actions will occur (a) in an area of high minority concentration or (b) outside of such an area; and provide the source and substance of the data relied upon to define the area of minority concentration:
- Specify if the above identified development project and associated actions will occur (a) in an area of low-income concentration or (b) outside of such an area; and provide the source and substance of the data relied upon to define the areas of low-income concentration:
- Specify if the above identified development project/s and associated actions will occur in areas served by schools that have: (a) academic performance measures above the state average and (b) percentages of students

receiving free and reduced price meals that are below the state average:

- Specify if the above identified development project and associated actions will occur in areas of job growth, proximity or access to employment via public transit, or other positive community attributes. Describe the positive community attributes, and specify the source and substance of the data or other information relied on to reach this assessment:
- Will the proposed development project/s and associated actions increase, decrease, or have no impact on the number and availability of assisted and/or affordable housing units for families with children being provided (a) in areas of high minority racial concentration or (b) outside of such areas? Explain.
- Explain how the proposed actions will further assist the County in its goal to remove and prevent impediments to fair housing choice within its jurisdiction. If you are relying on data or information to support your opinion, please specify the data and information relied upon:
- If the proposed development activity will involve new construction, acquisition, or rehabilitation of affordable and/or assisted housing does the proposed location of such affordable and/or assisted housing comply with applicable HUD, State and County Site and Neighborhood Standards? Explain:
- Briefly describe the type of proposed housing (Multi or single family)
- Specify the proposed number of units; rental and/or homeownership (include the proposed number of bedrooms per unit)
- Specify the expected income of potential residents (extremely low, very low, low, moderate)
- Briefly describe how the development will improve residents' quality of life economically, socially and environmentally. (i.e., proximity to transportation, proximity to medical, goods and food services, air quality, mobility, employment opportunities, better schools, lead paint removal)
- Briefly describe targeted market (i.e., disabled, families with children, limited English proficiency)
- Briefly describe how the proposed project creates/contributes to/enhances/encourages social inclusion and (if applicable) visitability.

Needs/Expectations:

1. Projects must assist extremely low to moderate-income persons.
2. It is expected that projects will meet documented community needs. This includes affordable housing needs identified in the *Analysis of Impediments to Fair Housing Choice in Baltimore County, Maryland, October 2011*, which is available on the County web site at:
<http://www.baltimorecountymd.gov/Agencies/neighborhoodimprovement>
3. Projects that directly address the housing needs of the extremely low-to-moderate income disabled will receive favorable review
4. Projects offering 3 or more bedroom rental units for extremely low-to-moderate income will receive favorable review
5. Projects that target Non-Elderly Disabled and Special Needs population will receive favorable review
6. Projects that indicate an acceptance of all legal income will receive favorable review

Evidence of Site Control/Ownership and Manner of Title - Forward Deed, Contract of Sale, Disposition Agreement/Right of Entry or Option to Purchase document. If the present owner is an entity or individual other than the borrower, please explain and show evidence of transfer of title. In addition, this section should address the status of the site/building (i.e., site control, zoning/permitted uses/variances, etc.) and the estimated development schedule including the projected length of the construction phase.

Development Team "Resume" - Provide the name, address, telephone and fax numbers of the participants (developer, owners, architect, and attorney). List the possible consultants and general contractors from which the development team will secure bids. Federal and County Procurement Guidelines must be followed. (*Attachment III*) Include in this section the Developer's qualifications and experience. You should document previous project experience including cost, size and number of units, current status, and photographs. Also, submit three (3) years of financial statements or tax returns and credit references. For business entities, attach relevant documents, including Articles of Incorporation, By-laws, Board of Directors Resolution, and partnership agreements. For single purpose entities, please attach personal tax returns of partners/members of entity. If applicable, attach CHDO certification.

Relocation and Acquisition Strategies

Relocation and/or acquisition strategies should be outlined, if applicable. In the event relocation is necessary there are requirements under the Federal Uniform Relocation Act and Baltimore County Land Acquisition requirements that will be applicable. (*Attachment V*) **PLEASE NOTE: Relocation costs are the sole responsibility of the developer.**

Project Financials –

Provide evidence of existing and proposed financing. Attach copies of existing mortgages, letters of intent or commitment, etc.

Provide adequate required information that will allow a funding decision to be made. This information should include a development budget (to include the intended sources and use of funds); a construction cost breakdown, an operating budget, and a fifteen (15) year proforma (for rental projects). A suggested list of development cost line items is shown in section B.

PLEASE NOTE: According to HUD Proposed Rule 76 Federal Register 78343, 24 CFR 91;

Repayment of HOME funds would be required for any unit that is not rented to eligible tenants within 18 months of project completion;

According to HUD Proposed Rule 76 Federal Register 78343, 24 CFR 91; Homebuyer units that are not sold within 6 months of completion of rehabilitation or construction would be required to be converted to rental projects

Please be sure to include approximately \$3,000 for legal fees associated with closing the County loan/grant and a (**not to exceed**) \$450 per Baltimore County's draw for inspection fees.

Architectural Exhibits - These exhibits must adequately convey physical characteristics and energy performance of the project. Please include:

- location map(s),
- photographs (color, if possible), site plan(s)
- floor plan(s) materials
- elevations (if applicable) unit count
- brief outline specification
- USGB LEED Credit Scorecard indicating intended green building features or energy analysis of proposed energy efficiency features to achieve Energy Star certification.

Management and Marketing Plans - Provide management and marketing plans for rental and homeownership projects. Provide background and experience of the management company for rental projects. Describe outreach efforts for Limited English Proficiency (LEP) including signage.

Green Building - List any other green building features or considerations not already detailed in the architectural exhibits.

Visitability* - New construction: discuss what your efforts will be to create ease of access for persons with disabilities: BCDOP strongly encourages developers to create communities that are accessible and also models of visitability.

*Architectural Barriers Act, 42 U.S.C. 4151-4157.

Section 3 Clause -

The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible provides job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.

A. The work to be performed under these guidelines is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and extremely low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties performing under these guidelines agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties performing under these guidelines are subject to the provisions of Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

B) DEVELOPMENT COSTS

The following is a suggested list of development cost line items:

Acquisition:

- Purchase price
- Appraisals
- R.E./Transfer tax
- Other
- Structures, rehabilitation

Acquisition Total: \$

Construction

- Demolition
- Site improvements, on site
- Site improvements, off site
- Structures, new construction
- Structures, rehabilitation
- Total hard cost
- General requirements
- Builder's overhead
- Builder's profit margin
- Bonds/Permits/Fee
- Site survey
- Environmental - (See Attachment 2) - Code of Federal Regulations Sec. 58.22 (a) limitations on activities pending clearance
- Architectural & Engineering, Design documents and supervision
- Third party inspections are required before funds are released
- Costs of additional green building features (not to exceed 1.5% of total construction costs. Include additional A&E costs.)

Construction Total: \$

Financial

- Construction interest - specify time and rate
- Financing charges
- Application fees
- Taxes and insurance during construction
- Title and recording
- Mortgage insurance
- Legal fees (include \$3,000 to close the County loan/grant)
- Syndicated costs - tax credits
- Settlement cost
- Other

Financial Total: \$

Other

- Marketing/Management Plan
- Project contingency - first lender will be responsible
- Development consultant fee
- Developer's fee
- Green building certification fee(s)

Other Total: \$

Total Project Costs

- Acquisition Total
- Construction Total
- Construction related Total
- Financial Total
- Other Total

Grand Total: \$

NOTE: Totals for each area should be expressed on a per unit and per square foot basis.

PART III FUNDING

The process is comprised of three (3) phases. (Estimate 30-90 days for 1 and 2)

1. **Concept Development** - Initial meeting at the Department of Planning to discuss project.
2. **Development** - Underwriting
3. **Construction** - Project close out

PHASE I CONCEPT DEVELOPMENT:

Step 1 Proposal Meeting
Time required: 2 hours

The developer briefly explains the proposed project and reason for the necessity of funding assistance by Baltimore County.

At this phase, Baltimore County Department of Planning will either discourage or encourage the developer to proceed with the application process and informs the developer of the preliminary submission requirements, possible funding sources, processing cycle, mission, and guidelines of the Baltimore County Grant/Loan Review process.

During this meeting the following will be discussed:

- Equal Opportunity Requirements
- Minority Business Participation
- Accessibility Requirements
- Davis-Bacon Requirements
- Green Building Requirements
- Section 3

Step 2 Submission of Development Document

The developer submits a preliminary proposal containing the information required by the BCDOP.

Step 3 Department of Planning Review
Time required: 30 - 45 days

The BCDOP reviews the submitted proposal, visits site and/or structure, requests additional information from the developer, if required, and presents the proposal to the Baltimore County Grants Review Committee, if grant funded or Baltimore County Council for Resolution if loan funded.

Step 4	<u>Optional Developer/BCDOP Meeting</u> Time required: 2 hours
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The BCDOP will inform the developer of the Grant Review Committee's decision.

BCDOP also informs the developer of any approvals which may be required prior to a final commitment such as Planning Office review, variances or conditional use approvals, environmental clearance and historical review, and any other required approvals as may be deemed necessary.

The developer responds to any request for additional information, and/or approvals resulting from Step 4.

*BCDOP prepares necessary documents for review by various County departments. The Grant Administrator submits a recommendation to the County Council. The Grant Administrator may approve the grant unless within 14 days after the County Council's receipt of the recommendation, a member of the County Council requests in writing that the grant agreement be forwarded to the County Council for approval or disapproval by the County Council at a legislative meeting.

The steps in this phase follow the procedures required by the various underwriting authorities and the specific funding program(s).

The developer will be given a specific amount of time to prepare and submit various project and organizational information. The time requirements and/or restraints required in the provision of this information may vary on a project-by-project basis. BCDOP will require five (5) copies of all drawings and documents required under the specific funding program(s). BCDOP will also require verification from the other funding sources that to determine if their respective requirements have been met and that the target date(s) for initial closing are set.

Processing time will vary depending on the funding program(s) involved and the availability of funds at that particular time. The developer will be given an estimated time for processing once the final submission of all required documents and drawings have been made.

Step 4 Initial Closing

Initial closing of the project and disbursement of applicable funds.

PHASE III CONSTRUCTION:

Step 1 Construction Conference
Time required:

2 hours

A meeting among all parties and BCDOP to review draw procedure, inspections during construction, submission/approval of change orders, etc.

Step 2 Inspections During Construction

Regardless of inspections performed by others, BCDOP's inspector will visit the project every two (2) weeks. The visit will be coordinated with normal inspections and draws when the owner, architect, and general contractor are present.

Step 3 Final Inspection
Time required:

1-2 hours

A final inspection will be conducted to close the construction phase of the project, discuss/schedule release of retention, as-built drawings if necessary, etc. Proof of appropriate green building certification will be required at this time.

Step 4 Final Closing
Time required:

4 hours

Releases any funds withheld and close out of project

PART IV

Baltimore County Economic Development Revolving Financing Fund Housing Development Guidelines

Purpose

The Fund will provide County financial assistance to leverage private financing for the provision of affordable rental housing for families and people with disabilities.

Use

The funds may be used to provide financial assistance for the hard costs associated with acquisition, construction, rehabilitation, or site infrastructure or for rent subsidies. The funds may be in the form of loans, guarantees, grants, or any combination thereof.

Awards

At this point, financing may be offered on a case by case basis for those projects that meet the evaluation criteria. Over time, a more competitive Notice of Funding Availability process may be used if warranted.

Applications and information requirements are contained and described in the Development Guide.

This process, dates, or application criteria may be subject to change.

Evaluation Factors

As part of its obligation to affirmatively further fair housing, Baltimore County will take all necessary steps to cause the development by private developers of 1,000 affordable rental units in Opportunity Areas by 2026. Of the 1000 units, 50% are to be 3 or more bedrooms and 10% are to be accessible by the disabled. Projects are to be dispersed throughout the Opportunity Areas and may not be restricted by age. All financing requests will be evaluated in this context.

Factors that will be considered

- Location within Baltimore County's Opportunity Areas
- Number of units (8 units minimum)
- Number of 3 bedroom units
- Number of accessible units
- Range/mix of household incomes/rents/housing choice vouchers
- Financial structure of the proposal, including requested County assistance
- Financial viability and capacity of developer
- Quality of the management plan
- Quality of site design
- Quality of building materials and construction

Additionally

- Projects in the Highest and Higher Opportunity Areas are preferred
- For projects in Moderate Opportunity Areas, the quality of the schools will be considered
- Applicants must comply with all applicable requirements of the Development Guide.

All information should be sent to:

Elizabeth Glenn, Deputy Director of Neighborhood Improvement, Baltimore
County Department of Planning,
The Jefferson Building
105 West Chesapeake Avenue, Suite 201
Towson, Maryland 21204

410-887-3317

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DEVELOPMENT GUIDE

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**Baltimore County, Maryland
Certification of Non-Discrimination**

_____ (hereinafter called the "GRANTEE") having its principal address
at _____,

HEREBY CERTIFIES THAT IT WILL COMPLY WITH:

- A.** Title VI of the Civil Rights Act of 1964 (the "Act"), as amended, to the end that, in accordance with Title VI of the Act, no person in the United States shall, on the basis of race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the Grantee receives financial or technical assistance from Baltimore County Maryland (the "County"), a body corporate and politic.
 - B.** Title I of the Housing and Community Development Act of 1974, as amended. Title I requires that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal financial assistance, on the grounds of race, color, national origin, religion, or sex.
- 1. A Recipient under any program or activity to which this part applies may not, directly or through contractual, licensing, or other arrangements, take any of the following actions on the grounds of race, color, national origin, religion, or sex:

 - (i) Deny any individual any facilities, services, financial aid, or other benefits provided under the program or activity;
 - (ii) Provide any facilities, services, financial aid, or other benefits that are different, or are provided in a different form, from that provided to others under the program or activity;
 - (iii) Subject an individual to segregated or separate treatment in any facility, or in any matter of process related to the receipt of any service or benefit under the program or activity;
 - (iv) Restrict an individual's access to, or enjoyment of, any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under the program or activity;
 - (v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirements or conditions that the individual must meet in order to be provided any facilities, services, or other benefit provided under the program or activity;
 - (vi) Deny an individual an opportunity to participate in a program or activity as an employee;
 - (vii) Aid or otherwise perpetuate discrimination against an individual by providing Federal financial assistance to an agency, organization, or person that discriminates in providing any housing, aid, benefit, or service;
 - (viii) Otherwise limit an individual in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other individuals receiving the housing, aid, benefit, or service;
 - (ix) Use criteria or methods of administration that have the effect of subjecting persons to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with

respect to persons of a particular race, color, national origin, religion, or sex; or
(x) Deny a person the opportunity to participate as a member of planning or advisory boards.

- (2) In determining the site or location of housing, accommodations, or facilities, a Recipient may not make selections that have the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, religion, or sex.
- (3) A Recipient may not, under any program or activity funded in whole or in part with Federal financial assistance, directly or through contractual agents or other arrangements including contracts and consultants, subject a person to discrimination in the terms and conditions of employment. Terms and conditions of employment include advertising, interviewing, selection, promotion, demotion, transfer, recruitment and advertising, layoff or termination, pay or other compensation, including benefits, and selection for training.

C. The Federal Fair Housing Amendments Act of 1988, 42 U.S.C §3601 et. seq. as amended (the "Fair Housing Amendments Act"), to the end that it shall be unlawful to discriminate based on race, color, religion, sex, handicap, familial status, or national origin, in connection with rental, sales or financing of residential real property (as those terms are defined in the Fair Housing Amendments Act).

D. Title VIII of the Civil Rights Act of 1968, as amended, to the end that it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

THIS CERTIFICATION is given this ____ day of _____, 200__ in consideration of and for the purpose of obtaining and shall continue for the period of any County financial or technical assistance extended to or on behalf of the Grantee by the Baltimore County Office of Community Conservation. This certification is binding on the Grantee, its successors, transferees, and assignees, and the person or persons whose signatures below are authorized to sign this certification on behalf of the Grantee.

WITNESS/ATTEST:

GRANTEE:

Baltimore County Housing Opportunities Program
Jefferson Building
105 W. Chesapeake Ave., St. 201
Towson, MD 21204
(410) 887-3124

CONTRACT REPORT

Contractor's Name: _____
Address: _____
Zip Code: _____
Telephone No.: _____

Owner's Name: _____
Address: _____
Zip Code: _____
Telephone No.: _____

**Federal ID # or
Social Security #:** _____

Is firm female headed? Yes _____ No _____
Is firm minority owned? Yes _____ No _____
Is firm located in Baltimore County? Yes _____ No _____
Date of Contract: _____
Amount of Contract: _____

<u>Subcontractor's Name & Address</u>	<u>Telephone Number</u>	<u>Federal ID # or Social Security #</u>	<u>*Racial/ Ethnic Code (1-5)</u>	<u>Female Owned</u>		<u>Amount of Contract</u>
				___Y___	___N___	
1. _____	_____	_____	_____	___Y___	___N___	
2. _____	_____	_____	_____	___Y___	___N___	
3. _____	_____	_____	_____	___Y___	___N___	
4. _____	_____	_____	_____	___Y___	___N___	
5. _____	_____	_____	_____	___Y___	___N___	
6. _____	_____	_____	_____	___Y___	___N___	
7. _____	_____	_____	_____	___Y___	___N___	

*Codes: **1** White; **2** Black; **3** American Indian/Alaskan Native; **4** Hispanic; **5** Asian/Pacific Islander
IF ADDITIONAL SPACE IS REQUIRED, PLEASE USE THE BACK OF THIS SHEET

Title 24, Part 58 Environmental Review Process Limitations on Activities

Please access this document at:

<http://www.gpo.gov/fdsys/pkg/CFR-2004-title24-vol1/xml/CFR-2004-title24-vol1-sec58-22.xml>

BALTIMORE COUNTY DEPARTMENT OF PLANNING
DEVELOPMENT GUIDE

ATTACHMENT III

PROCUREMENT STANDARDS AND PROCEDURES

24 CFR Part 84

Uniform Administrative Requirements for Procurement - Selected Regulations

Sec. 84.40 Purpose of procurement standards.

Sections 84.41 through 84.48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by HUD upon recipients unless specifically required by Federal statute or executive order or approved by OMB.

Sec. 84.44 Procurement procedures.

(a) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that paragraphs (a)(1), (a)(2) and (a)(3) of this section apply.

- (1) Recipients avoid purchasing unnecessary items.
- (2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.
- (3) Solicitations for goods and services provide for all of the following.
 - (i) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features, which unduly restrict competition.
 - (ii) Requirements, which the bidder/offeror must fulfill and all other factors to be used
 - (iii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - (iv) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.
 - (v) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
 - (vi) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.

- (1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
- (2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
- (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

(c) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity; compliance with public policy, including, where applicable, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u); record of past performance; financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by implementation of E.O.s 12549 and 12689, "Debarment and Suspension" at 24 CFR part 24.

(e) Recipients shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in HUD's implementation of Circular A-110.

(2) The procurement is expected to exceed \$100,000 or the small purchase threshold fixed at 41 U.S.C. 403 (11), whichever is greater, and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

(3) The procurement, which is expected to exceed the small purchase threshold, specifies a "brand name" product.

(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

Sec. 84.45 Cost and price analysis.

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

ATTACHMENT IV

BALTIMORE COUNTY DEPARTMENT OF PLANNING

NEIGHBORHOOD RESPONSE TEAM

SECTOR PLANNERS AND

MAP

Dave Green- Division Chief

dagreen@baltimorecountymd.gov 410-887-3480

Neighborhood Response Team Sectors

E

David Allen Green, MBA
Division Chief
Neighborhood Response Team
Baltimore County Dept of Planning
Jefferson Building
105 W. Chesapeake Ave. Ste 101
Towson, Maryland 21204
Office 410-887-3480
Fax 410-887-5862



BALTIMORE COUNTY DEPARTMENT OF PLANNING

DEVELOPMENT GUIDE

ATTACHMENT V

RELOCATION REQUIREMENTS

(Section 104 (d) of Housing and Community Development Act)

Overview of Section 104(d)

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing/raining/web/relocation/section104d

Section 104(d) of the Housing and Community Development Act (HCD) provides minimum requirements for certain HUD funded programs or projects.

Which HUD programs are subject to Section 104(d) requirements?

- CDBG
- HOME
- UDAG

What are the Section 104(d) requirements?

- Funding recipients must certify they have in effect and are following a Residential Antidisplacement and Relocation Assistance Plan (RARAP)
- Relocation assistance to lower-income residential tenants displaced as a direct result of demolition of any dwelling unit or conversion of a lower-income dwelling unit in connection with an assisted activity
- Replacement, on a one-for-one basis, of all occupied and vacant occupant-ready lower-income dwelling units that are demolished or converted to a use other than lower income dwelling units in connection with an assisted activity

What are the relocation requirements under Section 104(d)?

The relocation assistance and payments for eligible persons under Section 104(d) are similar to those required for the URA but there are a number of differences. One significant difference between the laws is the period of time used to calculate a rental assistance payment; Section 104(d) uses 60 months vs. 42 months for the URA. Section 104(d)-eligible displaced persons may also choose to receive relocation assistance under Section 104(d) or relocation assistance under the URA.

What are the guiding regulations for Section 104(d) relocation requirements?

Section 104(d) Regulations: **24 CFR Part 42** is the regulation that implements Section 104(d) of the Housing and Community Development Act.

Where can you go to find more information about Section 104(d) requirements?

You should consult **24 CFR Part 42** and Chapter 7 of **HUD Handbook 1378**

(http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378) for more guidance.

DEVELOPMENT GUIDE

ATTACHMENT VI

LEAD BASED PAINT ABATEMENT REQUIREMENTS

DEVELOPMENT GUIDE

LEAD BASED PAINT ABATEMENT REQUIREMENTS

GENERAL CONDITIONS AND SPECIFICATIONS

LEAD HAZARD REDUCTION

I. SCOPE

A. The lead reduction work under this contract covers the removal and legal disposal of various materials which may contain lead paint.

B. The Contractor or Subcontractor shall supply all labor, materials, equipment, services, supervision and incidentals necessary to perform work of lead paint hazard reduction services under this contract in accordance with specifications and all applicable laws and regulations. After lead reduction work, the areas disturbed shall be cleaned in accordance with all applicable industry standards and government regulations.

II. GENERAL REQUIREMENTS

A. All workers who perform the renovation work for lead hazard reduction, demolition and clean-up described herein shall have successfully completed a training course in lead abatement approved by the Maryland Department of the Environment (Lead Poisoning Prevention Program), and accreditation in accordance with Title 26, Maryland Department of the Environment, Subtitle 16 Lead, Section 26.16.01.

B. All parties must comply with all regulations of the Federal Community Development Block Grant Program.

III. INSURANCE

In addition to insurance requirements generally required by the Baltimore County Single Family Rehabilitation Loan and Grant Program, the contractor shall provide Baltimore County with certificates of insurance covering lead paint abatement work with a minimum \$500,000 single limit for bodily injury, and property damage limits of \$1,000,000 per occurrence.

IV. RECORDS

A. The Contractor shall provide the names and addresses of certified subcontractors and workers responsible for performing the lead hazard reduction procedures and proof of accreditation under Title 26, Maryland Department of the Environment, Subtitle 16, Section 26.16.01.

B. The Contractor shall provide the starting and completion date of the work.

C. The Contractor shall submit a detail summary of the techniques, which will be used.

D. The Contractor shall submit to Baltimore County copies of all records indicating that the renovation work has been performed in compliance with the lead paint abatement procedures.

V. METHODS OF TREATMENT

FOR EXTERIOR SURFACES – WALLS, WINDOW FRAMES & SILLS, GABLES, FASCIAS, DOOR FRAMES AND TRIM, RAILS, PORCH COLUMNS, CEILINGS, DECKS.

The most appropriate treatment method should be employed to achieve hazard reduction at the most reasonable cost.

A. Stabilization: Stabilize deteriorated paint with careful wet scraping. Scrub with Trisodium Phosphate (TSP) followed by clean water wash to remove (TSP) residue, being careful not to cause ground contamination. Prime paint all bare wood with good quality exterior primer. As an alternative to primer, an encapsulant may be applied according to manufacturer's specifications.

B. Removal and Replacement of painted materials with new materials of same or similar style, such as doors, porch supports, deteriorated decking, or the like: Any part of a building component may be abated and by replacement with a part free of lead containing substances. Materials similar in size and style to the part removed should be utilized. Owners should be consulted on selection of new materials. Remove painted material, package in 6 mil polyethylene, and dispose of materials in legal manner. Provide and install new materials with all required parts to make operable (such as hardware, locks, etc. for doors). Stabilize any remaining deteriorated paint such as on doorjambs, with wet scraping and clean-up as in A above. Prime paint with good exterior primer, all bare wood surfaces not otherwise treated.

VI. PERSONAL PROTECTION

A The Contractor shall insure that the employees are protected in accordance with all applicable Federal, State and local standards, in particular those set forth in the Maryland Occupational Exposure to Lead in Construction (COMAR 09.12.32).

B. All persons when present in the work area shall wear disposable clothing, shoe covers, and a half-face air-purifying respirator equipped with HEPA filters.

C. Use of heat guns or sanders for lead paint removal is prohibited.

VII. CAUTION SIGNS

At each separate work area, the Contractor performing abatement procedures shall display a caution sign visible to persons approaching the property, wherever the treatment process is expected to break or to disturb any lead-containing substances:

A. Each sign should be at least 20" by 14"

B. The sign should include the phrase, "Caution. Possible Lead Hazard. Keep Out." in bold letters at least 2" high.

VIII. WASTE DISPOSAL

A. In compliance with applicable waste requirements, the Contractors shall remove, within 48 hours, all lead waste materials from the site after completing each phase.

B. The Contractor shall be responsible for determining whether any of the waste materials are hazardous waste. This includes not only solid waste, but waste water generated.

C. The Contractor involved shall transport and dispose of waste in a legal manner to prevent lead from becoming airborne.

IX. SUBMITTALS

Certificates of training and accreditation for all demolition and clean-up personnel who will be performing the work under this contract must be submitted to Baltimore County Office of Community Conservation for record.

DEVELOPMENT GUIDE

ATTACHMENT VII

INTRODUCTION TO GREEN BUILDING

www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/greenbuilding.html

GREEN BUILDING CHECKLIST

www.baltimorecountymd.gov/Agencies/neighborhoodimprovement/greenbuilding/greenbuilding.html